

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMARCUS FENNELL	:	CIVIL ACTION
	:	
v.	:	NO. 18-4870
	:	
CHARLES HORVATH, et al.	:	

ORDER

AND NOW, this 9th day of January 2019, upon considering Defendants' Motion to dismiss (ECF Doc. No. 18), Plaintiff's *pro se* Opposition misfiled as a "Motion to strike" (ECF Doc. No. 24), Plaintiff's Motion seeking a jury trial (ECF Doc. No. 21), and for reasons in the accompanying Memorandum, it is **ORDERED** Plaintiff's Motion seeking a jury trial (ECF Doc. No. 21) is **GRANTED**, Plaintiff's Motion to strike (ECF Doc. No. 24) is **DENIED**, and Defendants' Motion to dismiss (ECF Doc. No. 18) is **GRANTED in part** and **DENIED in part**:

1. Defendants' Motion to dismiss is **DENIED** as to Plaintiff's claims against Officer Horvath for deprivation of counsel and the right against self-incrimination under the Fifth Amendment;

2. Defendants' Motion to dismiss is **GRANTED** as to all remaining claims without prejudice to Plaintiff filing an amended Complaint no later than **January 31, 2019** consistent with the accompanying Memorandum; and,

3. Officer Horvath shall answer the Complaint (ECF Doc. No. 2) no later than **February 8, 2019** unless mooted by an amended Complaint.



KEARNEY, J.